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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifth session

SUMMARY RECORD OF THE 41st MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Thursday, 6 December 1990, at 10 a.m.

Chairman: Mr. KOUZNETSOV

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS (agenda item 7)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Costa Rica (E/1990/5/Add.3) (continued)

1. Mr. RHENAN SEGURA (Costa Rica) thanked the members of the Committee for their questions, which showed that the report of Costa Rica (E/1990/5/Add.3) had been the subject of careful study.

2. He agreed with Mr. Mratchkov that the report focused over-much on legislation. However, it would have been useful if guidelines on the presentation of reports to the Committee had been available, as was the case for other human rights treaty bodies. He understood that such guidelines were being prepared.

3. The report, prepared by the Ministry of Foreign Affairs of Costa Rica, admittedly left much to be desired. However, the facts of life in Costa Rica were complex and such a report could not contain all the answers to the points raised at the previous meeting.

4. The representative of the International Labour Office had asked specific questions to which he did not have the answers. However, he could say that Costa Rica had ratified the main ILO conventions and was studying the possibility of acceding to a number of others. The internal procedure for approving treaties was extremely complicated and time-consuming, since in Costa Rican law treaties took precedence over internal law.

5. Mr. Simma had inquired about the most vulnerable groups in Costa Rican society and had referred to the indigenous population and to the Afro-Caribbean community. The latter term had not been used for over 30 years in Costa Rica. The black community referred to represented 9.5 per cent of the population and lived not only in the Province of Limón on the Caribbean but throughout the country. Limón had the largest concentration of black people but under the electoral code a community of 7 per cent was required to elect a representative and there was not always the necessary 7 per cent. Blacks enjoyed all rights and privileges granted by the Constitution and related legislation. No distinction of any kind was made on grounds of race.

6. The figure of 27,000 for the indigenous population given by Mr. Simma was incorrect. According to census figures, there were 4,782 indigenous people in the north and south-eastern parts of Costa Rica. Moreover, the indigenous community did not live in "reservations" - a pejorative term - but in national parks, set up by the Government to protect the country's flora and fauna and covering nearly 11 per cent of the country. Within the parks the indigenous inhabitants were entitled to make use of water and all the other resources with the exception of timber. They were able to farm and to sell any surplus produce outside the national park. The national parks were inalienable communal property and could not be sold. They did not belong to the indigenous people. Within the national parks there were schools and small health centres providing a range of health services. Patients requiring more sophisticated hospital treatment were transferred to the Central Valley.

7. Education for the indigenous community was given in Spanish throughout the seven-year period of schooling. However, the Bribri language was widely spoken by the largest indigenous community and the University of Costa Rica had recently set up a programme of courses in that language for teachers who worked in the areas where it was spoken. An attempt was being made to provide three quarters of the teaching in Spanish and one quarter in the Bribri language.

8. Mr. RODRIGUEZ ALPIZAR (Costa Rica), replying to Mr. Simma's statement about a strike involving nearly 70,000 workers the previous October, said that government and other sources had put the number of strikers at not more than 30 per cent of that figure. Workers from important institutions such as the Costa Rican Social Security Fund and the National Institute of Insurance, as well as many teachers, had not joined the strike. The one-day stoppage had taken place in protest at increases in the cost of a number of basic commodities and at an inflation figure of 25 per cent. However, in 1990 the Government had so far decreed two wage increases, one of 15 per cent and the other of 9.65 per cent, to offset inflation.

9. With respect to housing, he said that Costa Rica had one of the most advanced housing programmes in Latin America, run by the Ministry of Housing, under which grants of 4,500 colones were made to families with an annual income of 17,000 colones or less. The difference between the grant and the total cost of 750,000 to 900,000 colones per housing unit was met by a loan from the Housing Mortgage Bank for a term of between 15 to 20 years at a low rate of interest. Families on low incomes were thus able to afford proper housing.

10. As to the protection of tenants, he said that a Rent Act of 1939, currently being revised by the National Assembly, provided practical protection for tenants, particularly for loss of housing. If a family had to be evicted, it was protected by the law and the landlord had to give proper grounds for the eviction. In the case of a building which was pulled down and rebuilt, the tenant had the first refusal for renting the new premises.

11. From 1978 to early 1990 over 200,000 families had benefited from the housing programme, and over the next 4 years it was expected that between 80,000 and 100,000 families would benefit.

12. He hoped that that explanation would also serve to answer Mr. Fofana's question on housing.

13. Mr. RHENAN SEGURA (Costa Rica), continuing the reply to Mr. Simma's question about primary education, said that education in Costa Rica went beyond the requirements of the Covenant. Education was free and compulsory for one pre-school year, the six years of primary school and the first three years of secondary school. There were school libraries throughout the country containing basic textbooks, so that pupils did not necessarily have to buy them. In addition, there were school stores where textbooks could be obtained at low price and a "school basket": at the beginning of each school year pupils unable to afford school materials were provided free of charge with four ball-point pens, six exercise books, coloured pencils and basic reading materials. There was thus no restriction on the provision of free education nor was there any proportion of costs that pupils were required to pay, or any

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work they had to do to pay school fees. In one case, parents had gone to court when pupils had been required by a school to sell a certain number of lottery tickets every month. The court had ruled that the obligation was unconstitutional.

14. As to Mr. Simma's question whether there had been a decline in literacy levels in Costa Rica, he said that there had been no such decline, the literacy rate for the first nine years of education being 94 per cent. There had been a fall in the number of primary schools from 3,122 in 1985 to 3,070 in 1988, but that was for demographic reasons. The number of secondary schools had risen in the same period from 242 to 244.

15. Mr. RODRIGUEZ ALPIZAR (Costa Rica), replying to a question from Mr. Texier about industrial accidents, said that the Government took the question of security at the work place very seriously indeed. Employers were greatly concerned with safety programmes, and were keenly aware of the need for the right staff and equipment to avoid industrial accidents and illnesses.

16. Under Costa Rican legislation employers had to provide individual or collective insurance for all employees. In the event of failure to provide insurance, an employer had to cover all hospital costs and pay compensation for industrial injuries.

17. The National Institute of Insurance provided full hospital, surgical and other coverage for insured persons injured at work. It sought to reduce the risks in the work place and had introduced inspection procedures. It also provided advice to firms on request and carried out strict periodic inspections of high-risk work places.

18. Mr. Texier had also referred to the question of housing. The main problem in that area was the migration of the rural population to the cities. An attempt was being made to solve it by providing more jobs and housing in rural areas.

19. Mr. RHENAN SEGURA (Costa Rica) recalled that Mr. Texier had asked about the number of foreign workers and the status of refugees. He believed that Mr. Texier had not been present when he had informed the Committee that there were 26,600 persons in Costa Rica with refugee status and 18,923 asylum applicants, giving a total of 45,523. He repeated the details which he had already given concerning the numbers and nationalities involved.

20. In addition to refugees and recognized asylum-seekers there were, according to UNHCR figures, some 150,000 to 155,000 persons who had entered Costa Rican territory unofficially, mainly in the central and northern parts. Costa Rica's northern border ran for 380 kilometres, partly through jungle, and was easy to cross. Such persons came into the country to perform seasonal work during the coffee and sugar harvests. Under IOM and UNHCR criteria they were not refugees, and their numbers were not stable.

21. Mr. Texier had also asked about the Labour Code. He regretted that a mistake had been made in the report: the reference to "Christian principles of social justice" should read simply "principles of social justice". He requested the Secretariat to provide Mr. Texier with a copy of the relevant text.

22. Concerning measures to deal with unemployment, he said that Costa Rica, like many other developing countries, had no unemployment insurance, but there were programmes to assist the unemployed, including a job creation programme, a national employment classification programme for identifying employment requirements, a general job placement programme mainly for small enterprises, and a programme providing basic training for unemployed persons.

23. Mr. RODRIGUEZ ALPIZAR (Costa Rica), replying to Mr. Mratchkov's question concerning dismissal, said that higher labour tribunals had been set up to implement the provisions of the Labour Code and a body of jurisprudence now existed. Costa Rican labour legislation recognized two kinds of procedure: justified dismissal without responsibility on the part of the employer, and unjustified dismissal. Dismissal was justified when a worker abandoned the work place for two consecutive days or three non-consecutive days in a month without proper excuse. Justified dismissal also applied in cases of low productivity, drinking and drug-taking at the work place and causing a threat to one's own life or that of one's fellow-workers. Industrial espionage and negligence were also recognized as causes justifying dismissal. Dismissal was unjustified when an employer dismissed a worker on the grounds of staff reorganization. In such cases the law required him to provide financial compensation. Articles 80, 83, 84 and 87 of the Labour Code contained the relevant provisions.

24. Mr. RHENAN SEGURA (Costa Rica), replying to Mr. Mratchkov's question about the Trade Union Office at the Ministry of Labour, said that the Office provided legal assistance to trade unions and counselled union representatives. It did not seek to restrict trade union practices.

25. In the public sector some 20,000 new members had joined trade unions, bringing the percentage of the active work-force in that sector belonging to a union to 82 per cent. In the private sector the figure was 48 per cent. There had, however, been a drastic decline in trade union membership in Costa Rica over the previous five years, in line with a world-wide trend.

26. Mr. Mratchkov had also asked about the family. Costa Rican legislation recognized the family as the fundamental group unit of society, entitled to special protection from the State. The family was protected by means of the Family Code, Act No. 5476 of 1973. There was an Institute of the Family, a Commissioner for Children and a Commissioner for Women. Costa Rica was a macho society and women did most of the work in the home and in bringing up children, although there was a trend among young couples to break away from that pattern.

27. As to prohibitions against marriage, he said the classical ones, derived from Roman law, were applied in Costa Rica. Marriage could not be contracted with a person of unsound mind, a person who was already married, or a direct relative. Special permission was required for marriage between minors.

28. The illiteracy rate was 6.5 per cent, the figure being lower in the capital and the central provinces and higher in the outlying provinces. The number of hospital beds per thousand inhabitants had been 2.8 in 1985 and 2.6 in 1988. The number of telephones per thousand inhabitants had been 11.9 in 1985 and 12.4 in 1988. In 1985, there had been four universities, while by 1988 they had increased to eight.

29. Life expectancy figures were the following: 1920, 35 years; 1960-1965, 65.6 years; 1970-1975, 71.4 years; and 1980-1988, 73.7 years. Contrary to the assertion made by a member of the Committee, Costa Rica drew no distinction whatsoever between whites, blacks and Indians in establishing its life expectancy figures: they were an overall average.

30. The proportion of insured persons within the population had been 81.7 per cent in 1963 and 81.8 per cent in 1985.

31. Mr. RODRIGUEZ ALPIZAR (Costa Rica) said he did not have exact figures on the relative proportions of property owners and renters, but the housing programmes launched in 1978 had dramatically increased home ownership. To date, around 200,000 families had benefited from the programmes. Property ownership had become accessible to a great many low-income families, and rents were relatively low.

32. Mr. RHENAN SEGURA (Costa Rica) recalled that Mr. Mratchkov had asked whether divorce contributed to stability or instability in Costa Rican society. He was unaware of any studies on the problem, although he understood psychologists to take the view that divorce contributed to stability, because it was better for parents to separate than to subject their children to constant displays of animosity.

33. Replying to Mr. Muterahejuru's question on the integration of indigenous populations, he said all Costa Rican citizens, white, Indian or black, had access to the country's educational programmes. The identity card was the same for all Costa Ricans, irrespective of race: in fact, the country was one of the few in Latin America to have abolished the reference to race on the identity card.

34. In explanation of why Indians had only recently begun to apply for identity cards, he said many members of a nomadic tribe that ranged across Costa Rica's southern border into Panama had acquired identity cards in Panama, but with the recent events in that country, they were now applying for Costa Rican cards. Under the Costa Rican Government's programme to promote the creation of small businesses, bank loans were being offered to Indians, but an identity card had to be presented. Consequently, Indians who had initially been reluctant to acquire identity cards now found there was good reason to do so.

35. In response to Mrs. Jimenez Butragueño's question concerning discrimination on the basis of age, he said he had been unable to find any cases among the Supreme Court's jurisprudence. It was true, however, that there were minimum age requirements for holding political office: for President, 30 years; for parliamentary representative, 18; for a position on the Supreme Court, 35; and for an Ambassadorship, 40.

36. Mr. RODRIGUEZ ALPIZAR (Costa Rica), replying to Mr. Fofana's question about the evolution of the unemployment rate over the years, said a distinction had to be drawn between open unemployment and underemployment. The open unemployment figures were the followingg: in 1987, 5.6 per cent of the labour force; in 1988, 5.46 per cent; in 1989, 3.8 per cent; and, in 1990, 4.6 per cent. For underemployment, defined as unemployment plus visible

and hidden underutilization of the work-force, the figures were: 1986, 14.3 per cent; 1987, 11.8 per cent; 1988, 11.8 per cent; and, 1989, 9.9 per cent.

37. In response to Mr. Fofana's question on how the children of foreigners were integrated into the educational system, he said that, according to jus soli, children born in Costa Rica were Costa Rican citizens. They could enrol in public educational institutions on the same basis as children of Costa Rican citizens. For private education, however, the children of foreign nationals paid double the tuition fees charged for children of Costa Ricans.

38. Mr. RHENAN SEGURA (Costa Rica), turning to Mr. Konate's question on the minimum age for employment, said that, in line with ILO conventions, the minimum age was set at 15 years for both men and women. In very special instances, however, and with strict control by the National Children's Board, the age could be reduced to 12. In such cases, the work week was limited to 20 hours to enable the child to continue his or her studies.

39. In response to another question by Mr. Konate, he said that article 19, second paragraph of the Constitution provided that foreigners "may not have recourse to diplomatic protection, save as provided in international agreements". That meant that only diplomats, or representatives of international organizations who were accredited under the Vienna Conventions on Diplomatic Relations and Consular Relations, were entitled to diplomatic protection.

40. As to whether foreigners could join trade unions he said they could, but they could not hold management positions. If, after 10 years' residence in the country, they applied for and were granted citizenship, there were no restrictions on the posts they could hold.

41. Mr. Alvarez Vita had referred to a book whose thesis was said to be that a very limited group of people dominated political life in Costa Rica. He himself was familiar with the book, entitled La clase politica y el poder judicial, for he had written it. Mr. Alvarez Vita had apparently not read the book straight through, or perhaps he had misunderstood its thesis.

42. The argument was that from 1821 to 1948, the President and the highest executive, legislative and judicial officials in Costa Rica had been from only three families. Until the 1950s, however, almost all Costa Rican citizens had been from those same families. They were the families of conquistadores, the original colonizers of the country. A number of interesting studies on the presidents of Central American countries indicated that they were all descended from a single conquistador. He would even advance the thesis that the political sphere in Latin America in general was dominated by descendants of the conquistadores. The part of the argument that Mr. Alvarez Vita had failed to mention was that in 1948, the domination by three families had ended and a new group had taken control of the political arena.

43. Mr. Alvarez Vita had painted a very bleak portrait of Costa Rica. Yet the country was renowned, and justifiably so, for its commitment to human rights. It was the one Latin American country, for example, that was not cited in the most recent Amnesty International report. Its penitentiary system was excellent and had served as a model for others. No Costa Rican President had ever ordered the execution of any prisoner - as, sadly, had been the case in other Latin American countries.

44. There were no disappeared persons in Costa Rica, although, in the past five years, thousands of persons had disappeared in most Latin American countries. Costa Rica had been awarded the Nobel Peace Prize in recognition of the important work it had done in the cause of peace in Central America. His country was concerned about the killings that had taken place in several Central American countries, as it was about all problems in Latin America, including such countries as Argentina and Peru, and was seeking to defend human rights openly in the continent.

45. Mr. Alvarez Vita had given the impression that San José was a kind of Central American Calcutta. While San José might not be as elegant and sophisticated a city as some in Europe, it was certainly no Calcutta.

46. There was no guerrilla movement in Costa Rica, nor were any of its citizens killed there indiscriminately. It should also be noted that no journalists and their wives were arrested in Costa Rica, as had happened recently in one Latin American country.

47. According to data from the World Bank and the Economic Commission for Latin America and the Caribbean, Costa Rica had an illiteracy rate of 6 per cent and extensive public health services.

48. Costa Rica had not joined any integration movements in Latin America, which always failed because they were based on dictatorships. Once the dictator died, the integration movement collapsed.

49. Costa Rica had one of the highest per capita external debts in the world, but the product of that debt was being used to provide education, culture and health services. It was not used to buy weapons, and Costa Rica was the only country in the world to have disbanded its army.

50. Despite its economic problems, Costa Rica had not suffered from rampant inflation. There was inflation, but it was under control and the Government carried out a small devaluation every month to help the country survive.

51. He failed to see what had prompted Mr. Alvarez Vita to describe Costa Rica in such unfavourable terms.

52. Mr. ALVAREZ VITA regretted that the representative of Costa Rica had reacted in such a sensitive manner.

53. The comments which he himself had made the previous day had been based on many visits to Costa Rica. In his statement he had made it clear that he had no ill feelings towards that country and that he had many friends there. All the Committee members agreed that the report of Costa Rica was extremely juridical in nature rather than referring to practical measures taken in implementation of the Covenant. The representative of the State party himself had acknowledged that the report left much to be desired in that respect. He had expressed appreciation to the representative of the State party for the additional information provided at the previous meeting.

54. He wished to point out that he had in no way presented a bleak picture of Costa Rica. In fact, he had said that it was a model for Latin American and many other countries. He had made no reference to prison sentences or alleged detainees or missing persons. He had referred to relevant articles of the Covenant and at no time had he said that San José was like Calcutta.

55. He requested the Secretariat to circulate the text of his statement to the experts of the Committee and to the Permanent Mission of Costa Rica. He also requested that his statement should be translated into the various working languages of the Committee.

56. He wished to make it clear that he had made use of several sources rather than basing his statement on a single one. In his opinion, there must have been some misunderstanding on the part of the representative of the State party, although he had spoken in the same language.

57. The Costa Rican delegation had indicated that it would reply to his questions but in fact it had given no replies to them or to those put by Mr. Texier.

58. At the current meeting, the Committee had been told that trade unions imposed restrictions only on foreign officials occupying high-level positions. However, that was contrary to the provisions of the Covenant and of the Constitution itself, article 7 of which provided that public treaties, international agreements and conventions duly approved by the Legislative Assembly should take precedence over the laws.

59. The representative of a State party should not question the concerns of experts during the discussion. He rejected the insinuation that he was biased in his approach to the report of Costa Rica.

60. The CHAIRMAN stressed the need to have a dialogue in the Committee and said that certain rules and traditions served to ensure that dialogue. He would exercise his prerogative as Chairman to prevent the dialogue from becoming a confrontation between experts and representatives of States parties. He stressed that the dialogue was between the State party and the Committee, which was composed of independent experts entitled to draw on any source of information.

61. The statement by Mr. Alvarez Vita would be duly reflected in the report, which would be translated into the various working languages and distributed to Permanent Missions in Geneva.

62. Mr. MUTERAHEJURU said that he fully endorsed the comments made by the Chairman concerning the need for a dialogue between the representatives of States parties and the experts.

63. He would like information concerning the reference made in the report to Christian principles of social justice. He would also welcome clarification concerning the content of article 199 of the Labour Code.

64. Mr. MRATCHKOV thanked the representative of the State party for his replies to questions put by the experts. He stressed that the Committee conducted a dialogue in which the members enjoyed the right to express themselves in complete freedom, independence and impartiality.

65. With regard to the declaration by the Costa Rican representative that the Trade Union Office at the Ministry of Labour had no control function, he drew attention to the statement in article 47 of the Ministry of Labour and Social Security Organization Act, as quoted in paragraph 27 of the English text, that the "Office shall primarily encourage and monitor trade-union organizations" and asked whether that was an error in translation or an accurate reflection of the original Spanish text.

66. Mr. RATTRAY associated himself with the remarks made by the Chairman and other experts on the necessity of maintaining the independence of the members of the Committee and the impartiality with which the Committee approached its functions. He assured the representative of Costa Rica that the dialogue was designed to make possible an objective assessment of the extent to which the economic, social and cultural rights contained in the Covenant were being observed by States parties. He thanked the representative for elucidating many aspects of the report of Costa Rica, which relied heavily on the reproduction of legislative provisions.

67. He was not clear as to the implications of article 19 of the Constitution of Costa Rica and, in particular, the impact that its provisions would have on the exercise of the protection to which aliens might be entitled under the Covenant. He would like to know whether foreign consulates in Costa Rica could make representations claiming that the minimum treatment under international law to which aliens were entitled had been violated or whether the provisions of article 19 deprived them of that right.

68. Another area of concern related to the trade unions. There had been a widespread trend over the past five years towards a reduction in trade union membership in Europe and Latin America. He asked whether there was any evidence in Costa Rica of a "union-busting" attitude, particularly by those in authority, in an effort to promote productivity.

69. Mr. SPARSIS associated himself with the remarks made by members concerning the need to maintain the independence, freedom and impartiality of the Committee and the importance of ensuring an open channel of communication between the Committee and the representatives of States parties.

70. He thanked the representative of Costa Rica for providing further information concerning the report of that country and presenting a global picture of the social, economic and cultural situation there.

71. Article 11 of the Covenant was a central provision because food, housing and clothing were necessary to maintain an adequate living standard. Given the comparatively high rate of unemployment and underemployment in Costa Rica and the fact that the social security network still had some shortcomings, he asked what specific measures had been taken or were to be taken by the Government in order to provide an adequate living standard for its citizens.

72. Mr. TEXIER said that Costa Rica's outstanding role in Central America as an advocate of peace and a protector of civil and political rights was well known. Perhaps high expectations of a State party's performance sometimes led to unjustly critical attitudes. However, it did not seem to him that Mr. Alvarez Vita's comments had been as severe as the representative of Costa Rica appeared to consider them. Costa Rica's report was disappointing,

but the delegation's oral responses to questions had been good. It was much more difficult to assess economic, social and cultural rights than civil and political rights, since the former were of necessity less well defined. The members of the Committee tried to be objective and independent. All concerned should endeavour to put the incident behind them. It had taken more than 12 years after the Covenant had entered into force for a Committee to be established in order to put the examination of reports on a more professional basis. He hoped that the forthcoming amendment of the guidelines and stricter adherence to them both by the Committee and by States parties would provide a more satisfactory picture of the way in which the Covenant was actually applied. It was true that all human rights were interdependent, but it was appropriate for the Committee to concentrate on its mandate to examine the implementation of economic, social and cultural rights.

73. Mrs. JIMENEZ BUTRAGUEÑO endorsed the comments made by the Chairman and other members of the Committee. She had not herself observed any hostility in the tone of Mr. Alvarez Vita's comments, they had merely reflected an attitude of independence towards Costa Rica. It would be appreciated if the answers to questions could be submitted in writing in due course.

74. Mr. NENEMAN said that, in spite of its economic difficulties as a developing country, Costa Rica appeared to be making a successful attempt to ensure economic, social and cultural rights for its population. He would like to have some information on the implementation of article 15 of the Covenant since he knew that Costa Rica had an interesting cultural life. He asked how culture was made accessible to the mass of the population: for example, how many books were published every year, what theatrical performances were given and how the mass media, in particular television, were used to spread cultural values.

75. Mr. FOFANA also endorsed the Chairman's remarks on the need for members of the Committee to retain their independence and impartiality. He had not received an answer to his question about legislation and the practice of the courts in respect of awarding custody of children whose parents were divorced.

76. Mr. RHENAN SEGURA (Costa Rica) said that, before answering the questions of members of the Committee, he wished to make a statement. Perhaps he had misinterpreted what Mr. Alvarez Vita had said but he maintained his position and he would request that his statement should be reproduced in full in all the working languages and circulated. He had tried to establish an objective, serious and responsible dialogue with the Committee. It would have been contrary to his principles to seek to impugn the honour of the Committee or to disparage its important work in promoting respect for human rights. He was himself a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and currently served on the Committee on the Elimination of Racial Discrimination. He could not, however, accept as serious or professional an account of a visit to Costa Rica with observations about poverty here and discrimination there.

77. Mr. ALVAREZ VITA, speaking on a point of order, requested the Chairman to put an end to what was proving to be a sterile discussion. He was grateful for the unanimous support he had received from the Chairman and other members of the Committee.

78. The CHAIRMAN requested the representative of Costa Rica to respond to the questions which had been put by members of the Committee.

79. Mr. RHENAN SEGURA (Costa Rica), responding to Mr. Muterahejuru's question on references to Christian principles, said that no such reference appeared in the Labour Code but article 75 of the Constitution of Costa Rica stated that the Roman Apostolic and Catholic religion was the religion of the State, which contributed to its maintenance, without impediment to the free exercise in the Republic of other religions which were not opposed to universally recognized moral precepts and customs. He recalled that the whole matter had been fully discussed during the examination of his country's report at the most recent session of the Human Rights Committee. It was the case that a difficulty might theoretically arise in respect of the President or Ministers taking the oath of office, if one of them declared himself to be an agnostic. Such a situation, however, had never arisen in practice. Some members of the Legislative Assembly had wished to eliminate the reference to the church in article 75 but popular opposition had been so strong that it had led to demonstrations outside their houses. The matter would probably be resolved with the passage of time.

80. With regard to the function of the Trade Union Office, its duty was to promote trade union organizations and to conduct training courses for both employees and employers. It did not monitor the activities of trade union organizations or interfere in their internal affairs: what it monitored was the application of the regulations governing the establishment of such organizations.

81. The limitations on the employment of women and minors were intended to prevent them from engaging in employment that was detrimental to their health either because of the type of work or because of the type of materials handled, such as corrosive products, toxic wastes, etc.

82. In answer to Mr. Rattray's questions, he said that there was no obstacle to diplomatic missions or consulates making representations to the Government on behalf of their nationals. There had indeed been a very considerable reduction in trade union activities in the 1980s. One reason was that unions had become very politicized in the 1970s and another was that other institutions had arisen. In the private sector, 46 per cent of the economically active population was enrolled in trade unions; in the public sector the figure was approximately 80 per cent.

83. Mr. RODRIGUEZ ALPIZAR (Costa Rica), responding to the question put by Mr. Sparsis on the extent of unemployment, said that open unemployment was currently running at 4.6 per cent as compared with 3.8 per cent in 1989. Those were not very high figures, but in fact they were swollen by underemployment, both visible and invisible. Underemployment was defined as meaning work for a minimum period of three hours in any given week. Visible underemployment was underemployment which was reported to the authorities; invisible underemployment was detected through censuses. No certificates of employment were issued. The State had no system of unemployment benefits, but the unemployed were assisted by loans which it was incumbent on the previous employer to provide. Furthermore, the Ministry of Labour and Social Security

organized programmes of short-term employment in community or other work for unemployed and disabled persons. The Government was also making efforts to reduce unemployment by encouraging foreign investment in Costa Rica. During the current year, 60 Taiwanese companies had invested in the country.

84. Mr. RHENAN SEGURA (Costa Rica), answering Mr. Neneman's question about cultural activities, said that the Ministry of Culture had established cultural centres throughout the country. There was a national theatre company and youth and symphony orchestras. Inexpensive editions of world literary works were published and mobile libraries brought books to isolated communities. It was estimated that 78 per cent of the population was covered by television, and there was a good distribution of other cultural material. With regard to Mr. Fofana's question about the custody of children after divorce, in 90 per cent of the cases, custody was awarded to the mother. In the few instances in which husbands were given the custody of children, it was usual for the children to live with the grandparents.

85. The CHAIRMAN said that the statement by the representative of Costa Rica would be reflected in the summary record and copies sent to the diplomatic missions. In accordance with the Committee's rules of procedure, the concluding stage of the examination of Costa Rica's report would take place either on the afternoon of Friday, 7 December or on the following Monday morning. Representatives of the State party were invited to be present, but only members of the Committee would participate in the discussion.

86. Mr. RHENAN SEGURA (Costa Rica) asked whether the concluding stage of the Committee's examination of his country's report might be postponed definitely to Monday, owing to his absence in Brussels.

87. The CHAIRMAN recalled that the presence of a representative of the State party was desirable but not essential. The concluding observations of the Committee would be reflected in the summary record. In any case, the State party might be represented by any of its official representatives. He was afraid that the Committee's full timetable precluded it from making a firm commitment about the date on which the concluding discussion would be held. He wished to thank the Costa Rican delegation for its co-operation with the Committee.

The meeting rose at 1.05 p.m.